

Hazardous Materials Disclosure Program

Laws and Regulations

The laws and regulations for the Hazardous Materials Disclosure Program are contained in California Health and Safety Code (HSC) Chapter 6.95 and California Code of Regulations (19 CCR) Title 19.

Disclosure Program

The Hazardous Materials Disclosure Program fulfills Federal and State Community Right-To-Know requirements and provides detailed information for use by emergency responders such as Fire Fighters and Hazardous Materials Specialists.

The owner or operator of any business shall submit a hazardous materials inventory and contingency plan if the business handles or stores hazardous materials equal to or above the following quantities:

- 55 gallons for liquids
- 500 pounds for solids
- 200 cubic feet for gases
- Quantities of radioactive materials for which an emergency plan is required under Federal Regulations.
- Regulated substances (RS) must be reported if the listed Threshold Quantity (TQ) is exceeded.

In addition, businesses subject to EPCRA (Emergency Planning and Community Right-to-Know Act) shall annual submit an inventory form and sign the form in the appropriate box to meet Federal requirements. EPCRA requires owners and operators to develop and submit a Tier II (SARA 312) inventory report if they have

- Hazardous chemicals equal to or greater than 10,000 lbs, or
- Extremely hazardous substances equal to or greater than 500 lbs or at the Threshold Planning Quantity (40 CFR, Pt 355 App A), whichever is lower

For questions on EPCRA, call (800) 424-9346 or see [Links](#).

Training Program

All hazardous materials handlers shall develop and implement a Training program. The minimum requirements for a training program include the following:

- Methods for safe handling of hazardous materials.
- Procedures for coordination with the local emergency response organizations.
- Use of emergency response equipment and supplies under the control of the handler.
- Training in the emergency response plan and procedures listed in the business plan.

Provisions shall be included to ensure appropriate personnel receive initial and refresher training. Documentation of a training program, training records of personnel, and attendance rosters for training shall be maintained and available for review by inspectors.

Program Exemptions

The law provides the following reporting exemptions:

- Materials stored temporarily for less than 30 days, including materials in transit.
- Oxygen, nitrogen or Nitrous Oxide stored at a physician, dentist, podiatrist, veterinarian, or pharmacist's place of business in quantities less than 1,000 cubic feet of each material.
- Lubricating oil, if the total volume of each type of oil does not exceed 55 gallons and the total volume of all types of oil handled at that facility does not exceed 275 gallons, at any one time. Used oil is not included in the definition of lubricating oil.
- Retail (Consumer) Products packaged for direct distribution to, and use by, the general public and in containers that are no larger than 5 gallons (liquids) or 100 pounds (solids) are exempt from reporting requirements, except where the Department determines otherwise.
- Unstaffed, remote facilities located in an isolated, sparsely populated area may be exempt from annual reporting requirements with Department approval.

Complete legal details of exemptions can be found in HSC Section 25503.

Hazardous Materials Lists

The list of EPCRA chemicals is maintained by US EPA
(see <http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/chemicalinfo.htm>)

Regulated substances, including toxic and flammable substances are listed under Forms.

Highly toxic materials (Class A and Class B poisons) are

- Listed in 49 CFR (see <http://www.gpoaccess.gov/>)
- Regulated by US Department of Transportation (see <http://hazmat.dot.gov/>)
- Assigned a health hazard rating of 3 or 4 under Uniform Fire Code Standard Number 79.3 (see <http://ordlink.com/codes/lacounty/>)

California's Proposition 65 is a list of known and suspected carcinogens and reproductive toxins (see <http://www.oehha.ca.gov/prop65.html>).

Etiological agents (microorganisms and toxins) are listed in 42 CFR (Code of Federal Regulations) Part 72.3 (see <http://www.gpoaccess.gov/>).

Radioactive Materials are listed in 10 CFR Chapter 1, Appendix B (see <http://www.gpoaccess.gov/>) and maintained and updated by the Nuclear Regulatory Commission (see <http://www.nrc.gov/>).

There are Federal and State listed and presumed hazardous wastes. These lists can be found in 22 CCR Section 66261 (see www.calregs.com).

Cal OSHA (see www.dir.ca.gov) lists hazardous substances for which manufacturers are required to prepare a Material Safety Data Sheet (see <http://www.osha.gov/SLTC/hazardcommunications/>) per the Hazardous Substances Information and Training Act (see <http://www.dir.ca.gov/title8/339.html>).